

**ORDINANCE NO. 18162-07-2008**

**AN ORDINANCE AMENDING CHAPTER 22 "MOTOR VEHICLES AND TRAFFIC" OF THE CODE OF THE CITY OF FORT WORTH BY AMENDING ARTICLE I "IN GENERAL" TO CHANGE THE DEFINITION OF LARGE RECREATIONAL VEHICLE AND CHANGE THE DEFINITION OF OVERSIZE RECREATIONAL VEHICLE AND TO AMEND ARTICLE VI "STOPPING, STANDING AND PARKING" TO ESTABLISH REGULATIONS FOR THE PARKING OF LARGE AND OVERSIZE RECREATIONAL VEHICLES ON PRIVATE PROPERTY; AMENDING ARTICLE VI "STOPPING, STANDING AND PARKING" TO PROVIDE THAT VIOLATIONS OF REGULATIONS RELATING TO THE PARKING OF OVERSIZE COMMERCIAL VEHICLES AND LARGE AND OVERSIZE RECREATIONAL VEHICLES ARE CRIMINAL OFFENSES RATHER THAN CIVIL OFFENSES AND ADDING THE ILLEGAL PARKING OF OVERSIZE COMMERCIAL VEHICLES AND LARGE AND OVERSIZE RECREATIONAL VEHICLES TO THE LIST OF VIOLATIONS FOR WHICH TOWING IS AUTHORIZED; AMENDING APPENDIX B OF THE CODE OF THE CITY OF FORT WORTH BY ADDING ENFORCEMENT OF ORDINANCES REGULATING THE PARKING OF OVERSIZE COMMERCIAL VEHICLES AND LARGE AND OVERSIZE RECREATIONAL VEHICLES TO THE DUTIES OF THE DIRECTOR OF CODE COMPLIANCE; PROVIDING A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the current City Code of Fort Worth does not restrict where, and under what conditions, large and oversize recreational vehicles may be parked on private property; and

**WHEREAS**, regulating where, and under what conditions, large and oversize recreational vehicles may be parked on private property serves to protect the public health, safety and welfare; and

**WHEREAS**, the current City Code does not provide towing as an enforcement option for illegally parked oversize commercial vehicles and large and oversize recreational vehicles on private property; and

**WHEREAS**, it is advisable to add towing as an enforcement option for illegally parked oversize commercial vehicles and large and oversize recreational vehicles on private property; and,

**WHEREAS**, officers of the Department of Code Compliance have held a series of public meetings to obtain citizen input concerning the need for regulation of where, and under what conditions, large and oversize recreational vehicles may be parked on private property; and

**WHEREAS**, it is advisable to adopt regulations restricting the location and conditions under which oversize commercial vehicles and large and oversize recreational vehicles may be parked on private property; and

**WHEREAS**, it is the intent of the following regulation to establish standards and regulations for the parking of large and oversize recreational vehicles on private property, to add towing as an enforcement option for illegally parked oversize commercial vehicles and large and oversize recreational vehicles on private property, and to provide that violation of regulations relating to the parking of oversize commercial vehicles and large and oversize recreational vehicles are criminal offenses to protect the health, safety and welfare of pedestrian, bicycle and motor vehicle traffic as well as the aesthetic quality and orderly development of residentially zoned districts;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

### **SECTION 1**

Article I “In General” of Chapter 22 , “Motor Vehicles and Traffic” of the Code of the City of Fort Worth is hereby amended by amending Section 22-1 to change the definitions of large recreational vehicle and oversize recreational vehicle as follows:

***Large recreational vehicle*** shall mean:

- 1). a recreational vehicle which exceeds twenty six feet (26') in length, but is less than forty feet (40') in total length;
- 2). a boat trailer or other trailer which exceeds twenty six feet (26') in length, but is less than forty feet (40') in total length; or
- 3). a converted or partially converted bus which exceeds twenty six feet (26') in length, but is less than forty feet (40') in total length.

***Oversize recreational vehicle*** shall mean:

- 1). a recreational vehicle which is forty feet (40') or greater in total length;
- 2). a boat trailer or other trailer which is forty feet (40') or greater in total length; or
- 3). a converted or partially converted bus which is forty feet (40') or greater in total length.

## **SECTION 2**

Article VI "Stopping, Standing and Parking" of Chapter 22 "Motor Vehicles and Traffic" of the Code of the City of Fort Worth is hereby amended by amending Section 22-155 to read as follows:

### **Section 22-155 Some Parking Violations as Civil Offenses.**

With the exception of violations of Sections 22-162.1, 22-162.3 and 22-162.4 which are criminal offenses, the violation of the provisions of this article related to the parking and stopping of vehicles shall be civil offenses subject to civil penalties and fines pursuant to the procedures for administrative adjudication as set forth in Chapter 10 of this Code.

## **SECTION 3**

Article VI "Stopping, Standing and Parking" of Chapter 22, "Motor Vehicles and Traffic" of the Code of the City of Fort Worth is hereby amended by changing Section 22-162.2(c) to read as follows:

## **Section 22-162.2 Parking of Large and Oversize Vehicles on Streets.**

...

(c) It is an exception to (b)(1) above that the large recreational vehicle or oversize recreational vehicle is being parked or allowed to be parked, stand, or remain motionless for loading, unloading, maintenance, or any combination thereof, for no more than seventy-two (72) hours in any seven (7) day period. Relocation of the large recreational vehicle or oversize recreational vehicle to another location on private property or the adjoining public street does not stop the running of the seventy-two (72) hour period.

## **SECTION 4**

Article VI "Stopping, Standing and Parking" of Chapter 22 "Motor Vehicles and Traffic" of the Code of the City of Fort Worth is hereby amended by adding Section 22-162.3 to read as follows:

### **Section 22-162.3 Parking of Large Recreational Vehicles.**

- (a) Except as specifically set forth below, it shall be unlawful for any person to park or allow to be parked any large recreational vehicle on any property under his control on any portion of a front yard, side yard or rear yard of any area or district which is residentially zoned under the comprehensive zoning ordinance or used for residential purposes.
- (b) Notwithstanding the provisions of Section 22-162.3(a) above, a large recreational vehicle may be parked on a side yard or rear yard provided that it is parked behind a screening fence at least six (6) feet in height which fence shall be sufficient to obscure the view of such large recreational vehicle by persons on adjacent property.
- (c) Notwithstanding the provisions of Section 22-162.3(a) above, a large recreational vehicle may be parked on a driveway or other lawful parking area for up to seventy two (72) hours during any seven (7) day period for loading, unloading or maintenance so long as such vehicle is parked in compliance with all relevant parking regulations.
- (d) Notwithstanding the provisions of Section 22-162.3(a) above, a person who owns a large recreational vehicle on the date of the passage of this ordinance may, within ninety (90) days of the passage of this ordinance obtain, without charge, from the Development Department of the City of Fort Worth a Continuance Permit. Such Continuance Permit shall allow the large recreational vehicle to be parked on a driveway in the front yard of the owner of the large recreational vehicle so long as such large recreational vehicle is not parked within ten (10) feet of the curb or edge of an improved street, does not interfere with the use of a sidewalk and does not create a visual obstruction to drivers or pedestrians using the street or sidewalk. The Continuance Permit shall be issued for a

specific large recreational vehicle owned by the owner on the date of the passage of this ordinance and cannot be transferred to another vehicle or owner.

## **SECTION 5**

Article VI "Stopping, Standing and Parking" of Chapter 22 "Motor Vehicles and Traffic" of the Code of the City of Fort Worth is hereby amended by adding Section 22-162.4 to read as follows:

### **Section 22-162.4 Parking of Oversize Recreational Vehicles.**

- (a) Except as specifically set forth below, it shall be unlawful for any person to park or allow to be parked any oversize recreational vehicle on any property under his control on any portion of a front yard, side yard or rear yard of any area or district which is residentially zoned under the comprehensive zoning ordinance or used for residential purposes.
- (b) Notwithstanding the provisions of Section 22-162.4(a) above, an oversize recreational vehicle may be parked on a side yard or rear yard provided that it is parked behind a screening fence at least six feet (6') in height which fence shall be sufficient to obscure the view of such oversize recreational vehicle by persons on adjacent property.
- (c) Notwithstanding the provisions of Section 22-162.4(a) above, an oversize recreational vehicle may be parked on a driveway or other lawful parking area for up to seventy two (72) hours during any seven (7) day period for loading, unloading or maintenance so long as such vehicle is parked in compliance with all relevant parking regulations.

## **SECTION 6**

Article VI "Stopping, Standing and Parking" of Chapter 22 "Motor Vehicles and Traffic" of the Code of the City of Fort Worth is amended by adding Section 22-162.5 to read as follows:

### **Section 22-162.5 Violations; Penalties.**

Any violation of the provisions of Sections 22-162.1, 22-162.3 or Section 22-162.4 of this Chapter shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) plus court costs for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 7**

Article VI "Stopping, Standing and Parking" of Chapter 22 "Motor Vehicles and Traffic" of the Code of the City of Fort Worth is amended by amending Section 22-222 to read as follows:

### **Section 22-222 Towing and Impoundment of Certain Vehicles Authorized.**

(a) Any vehicle found on any private property, public street or other public place under any circumstances hereinafter set forth and any large recreational vehicle or oversize recreational vehicle parked on private property in violation of Section 22-162.3 or 22-162.4 of this chapter shall be deemed to be a nuisance per se, and may be towed away and impounded in the manner herein provided (provided, however, that such listed circumstances shall not be deemed exclusive or prohibit such towing and impoundment in any circumstances not listed):

- (1) When any vehicle or any other property constitutes an obstruction to traffic by being left unattended upon any bridge, viaduct, or causeway, or in any underpass or tunnel;
- (2) When any vehicle is illegally parked so as to block the entrance to any private driveway;
- (3) When any vehicle is found upon a street, or highway, and information has been reported to the effect that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been stolen or embezzled;
- (4) When a vehicle upon a street or highway is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;
- (5) When a police officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by law required to take the person arrested immediately before a magistrate;
- (6) When any vehicle is parked or standing in or on any portion of a street or highway in such a manner that the vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency, or unusual circumstance the safety of said vehicle is imperiled;

- (7) When any vehicle is stopped or standing or parked in violation of any official sign or other traffic-control device where said sign or device gives notice of a tow-away zone;
  - (8) When any vehicle is stored on the public street, sidewalk, parkway or alley, according to the terms of Section 22-159;
  - (9) When a vehicle is found to be an abandoned vehicle or a junked vehicle;
  - (10) When any vehicle is found parked on private property according to the terms of Section 22-162.1;
  - (11) When any vehicle is found parked on a public street according to the terms of Section 22-162.2; and
  - (12) When any vehicle is found parked on private property according to the terms of Section 22-162.3 or Section 22-162.4.
- (b) Whenever the provisions of this section provide for the towing away and impoundment of any vehicle, such service shall be performed either by the city or its duly authorized representative.
- (c) Whenever a vehicle is towed away and impounded under the provisions of this section or of Section 22-221, the procedures in Section 22-302 shall be followed, with regard to notice, hearing, appeal, release, storage fees, sale and disposition of the vehicle.

## **SECTION 8**

Article II "Code Compliance" of Appendix B of the Code of the City of Fort Worth is amended by amending Section 11A-6 "Authorization" to read as follows:

### **Article 11A-6/Appendix B (Code of the City of Fort Worth) Authorization:**

The Director of Code Compliance and all duly authorized employees of the department of Code Compliance shall have the authority to enforce provisions of the city Code relating to zoning, multi-family dwellings, minimum building standards, nuisance, environmental, and health, according to specific procedures set forth in said code chapters and ordinances, including but not limited to:

- (a) Chapter 7, Article IV (minimum building standards);
- (b) Chapter 7, Article IX (registration and inspection of multi-family dwelling complexes);

- (c) Chapter 12.5, Article VIII (solid waste and recycling);
- (d) Chapter 22, Section 22-160 (parking of vehicles in front and side yards);
- (e) Chapter 22, Sections 22-162.1 through 22-162.4 (parking of large and oversize vehicles);
- (f) Chapter 22, Article IX (junked vehicles);
- (g) Appendix A (Comprehensive Zoning Ordinance);
- (h) Appendix B, Chapter 11A (Department of Code Compliance).

### **SECTION 9**

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

### **SECTION 10**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 11**

**IT IS HEREBY DECLARED** to be the intention of the city Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this



ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 12**

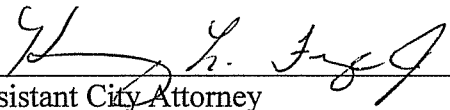
All rights and remedies of the city of Fort Worth, Texas are expressly saved as to any and all violations of the provisions of the code of Fort Worth which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

#### **SECTION 13**

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

This ordinance shall take effect upon adoption and publication as required by law.

#### **APPROVED AS TO FORM AND LEGALITY:**

By:   
Assistant City Attorney

ADOPTED: July 8, 2008

EFFECTIVE: July 12, 2008

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

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**COUNCIL ACTION: Approved on 7/8/2008 - Ord. No. 18162-07-2008**

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**DATE:** Tuesday, July 08, 2008

**LOG NAME:** 12RECVEHICLE

**REFERENCE NO.: G-16185**

**SUBJECT:**

Adopt Ordinance Amending Chapter 22 "Motor Vehicles and Traffic" of the City Code to Add Regulations for the Parking of Large and Oversize Recreational Vehicles on Private Property and Amending Article 11A-6 of Appendix B to the Code of the City of Fort Worth

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**RECOMMENDATION:**

It is recommended that the City Council adopt the attached ordinance amending Chapter 22 "Motor Vehicles and Traffic" to add regulations for the parking of large and oversize recreational vehicles on private property in districts which are residentially zoned under the comprehensive zoning ordinance or used for residential purposes.

**DISCUSSION:**

Staff proposes to amend Chapter 22 "Motor Vehicles and Traffic" to add regulations for the parking of large and oversize recreational vehicles on private property in districts which are residentially zoned under the comprehensive zoning ordinance or used for residential purposes.

**Section 22-1** is amended to change the definition of large recreational vehicle and to change the definition of oversize recreational vehicle.

**Section 22-162.3** is added to prohibit the parking of large recreational vehicles on private property in districts which are residentially zoned or used for residential purposes, with the following exceptions:

1. such vehicles may be parked in a side yard or rear yard behind a six (6) foot screening fence;
2. such vehicles may be parked on a driveway or other lawful parking area for up to seventy two (72) hours during any seven (7) day period for loading, unloading or maintenance; and
3. persons who currently own large recreational vehicles may, within ninety (90) days of the passage of this ordinance, obtain a nontransferable Continuance Permit which will allow large recreational vehicles to be parked on a driveway in the owner's front yard so long as such vehicle is not parked within ten (10) feet of the curb or edge of an improved street and does not create a visual obstruction to drivers or pedestrians on the street or sidewalk.

**Section 22-162.4** is added to prohibit the parking of oversize recreational vehicles on private property in districts which are residentially zoned or used for residential purposes with the following exceptions:

1. such vehicles may be parked in a side yard or rear yard behind a six (6) foot screening fence;
2. such vehicles may be parked on a driveway or other lawful parking area for up to seventy two (72) hours during any seven (7) day period for loading, unloading or maintenance.

**Section 22-162.5** is added to provide that the violation of any of the provisions of Section 22-163.3 or Section 22-162.4 shall be punishable by a fine of up to five hundred dollars (\$500.00) per day.

**Section 22-222** is amended to add the illegal parking of large and oversize recreational vehicles on private property to the list of violations for which towing is authorized.

**Section 22-155** is amended to provide that violations of Section 22-162.3 and Section 22-162.4 are criminal offenses, rather than civil offenses.

**Section 11A-6 of Appendix B** of the Code of the City of Fort Worth is amended to add enforcement of ordinances relating to the parking of large recreational vehicles and oversize recreational vehicles on private property to the duties of the Director of Code Compliance and duly authorized employees of the Department of Code Compliance.

**FISCAL INFORMATION/CERTIFICATION:**

The Finance Director certifies that this action will have no material effect on City funds.

**TO Fund/Account/Centers**

**FROM Fund/Account/Centers**

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**Submitted for City Manager's Office by:**

Charles Daniel (6183)

**Originating Department Head:**

Brandon Bennett (6322)

**Additional Information Contact:**

Harvey Frye (8715)

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